

Best Available Copy

Attorney Docket No. 60097-0145

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-28 remain in this application. Claims 1 and 14 have been amended. Applicant thanks the Examiner for her comments during phone conversations on 17 and 18 August 2005.

II. CLAIM REJECTIONS – 35 U.S.C. § 101

The Office Action rejected Claims 1-13 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Dependent Claims 2-13 are rejected based on their dependency from claim 1.

Applicant has amended Claim 1 to cite a computer implemented method as discussed with the Examiner during the above cited phone conversations. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. 101.

III. CLAIM REJECTIONS – 35 U.S.C. § 102

The Office Action rejected Claims 1-28 under 35 U.S.C. § 102(b) as clearly anticipated by Vicard (U.S. Patent No. 5,764,761). The rejection is respectfully traversed.

Applicant notes that, as discussed with the Examiner during the above cited phone conversations, the Office Action cites Claims 1 and 14 from a previous response but not the latest versions of the claims from the RCE filing under 37 CR 1.114. The Office Action cites specific claim elements in Claims 1 and 14 as follows:

Claim 1:

P0017

7

Attorney Docket No. 60097-0145

“generating a response value using a lock value at said second party”

Claim 14:

“means for generating a response value using a lock value at said second party”

However, the actual elements for Claims 1 and 14 appear as follows:

Claim 1:

“generating a response value using a lock value and said challenge value at said second party”

Claim 14:

“means for generating a response value using a lock value and said challenge value at said second party”

Therefore, the Office Action has omitted portions of the claim elements of Claims 1 and 14.

Claims 1 and 14 have been amended to clarify the invention and appear as follows:

1. A computer implemented method for providing access between a first party and a second party, said method comprising the steps of:
 - generating a challenge value at said first party;
 - transmitting said challenge value to said second party;
 - generating a response value using a combination of a lock value and said challenge value at said second party;
 - wherein said lock value indicates a desired access mode;
 - transmitting said response value to said first party; and
 - validating said response value by said first party.

14. An apparatus for providing access between a first party and a second party, said apparatus comprising:

P0017

8

Attorney Docket No. 60097-0145

means for generating a challenge value at said first party;
means for transmitting said challenge value to said second party;
means for generating a response value using a combination of a
lock value and said challenge value at said second party;
wherein said lock value indicates a desired access mode;
means for transmitting said response value to said first party; and
means for validating said response value by said first party.

In particular, Vicard does not teach or disclose a system that generates a response value using a combination of a lock value and said challenge value at said second party as claimed in Claims 1 and 14. A unique feature of the invention is that the second party generates the response value by using the challenge value and a lock value, the second party does not have to decode the challenge value to properly respond to the first party. Vicard does not contemplate the use of a combination of a lock value and the challenge value to generate a response value.

Anticipation under 35 U.S.C. § 102 requires a reference to teach or disclose each and every element, limitation, or step of a claim. Since Claim 1 and Claim 14 each include at least one element not found in Vicard, the Vicard patent does not anticipate Claim 1 or Claim 14 under 35 U.S.C. § 102.

Vicard therefore does not teach every aspect of the claimed invention either explicitly or impliedly.

Claims 1 and 14 are allowable. Claims 2-13, and 15-28, are dependent upon independent Claims 1 and 14, respectively. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. 102(b).

P0017

9

Attorney Docket No. 60097-0145

IV. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.


The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: August 18, 2005


Kirk D. Wong
Reg. No. 43,284

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Telephone No.: (408) 414-1080 ext. 214
Facsimile No.: (408) 414-1076

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273-8300.

on August 18, 2005
Annette Jacobs

P0017

10